

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>AARON STEWART,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 06-cv-820-DRH</b>
	)	
<b>ALAN UCHTMAN, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Plaintiff's motion to recall the mandate and vacate order (Doc. 25). This Court denied Plaintiff leave to proceed *in forma pauperis* and directed Plaintiff to pay the full \$350 filing fee. *See* (Doc. 5). When Plaintiff failed to pay the filing fee as directed, this Court dismissed Plaintiff's complaint. *See* (Doc. 6). Plaintiff filed a notice of appeal (Doc. 11), and this Court denied his motion to proceed *in forma pauperis* on appeal. *See* (Doc. 18). The Seventh Circuit Court of Appeals dismissed the appeal after Plaintiff failed to pay the appellate filing fees. *See* (Doc. 20). The Seventh Circuit also directed this Court to collect the appellate filing fees using the mechanism of 28 U.S.C. § 1915(b). *Id.*

In the instant motion, Plaintiff asks the Seventh Circuit Court of Appeals to recall its mandate. An examination of this motion indicates that Plaintiff intended to file his motion with the Seventh Circuit Court of Appeals, not with this Court. The motion is captioned "In the United States Court of Appeals" and contains the case number assigned by the Seventh Circuit. Furthermore, this

Court has no authority to recall a mandate issued by the Seventh Circuit Court of Appeals. Therefore, in the interest of justice, Plaintiff's motion to recall the mandate (Doc. 25) is **TRANSFERRED** to the Seventh Circuit Court of Appeals. *See* 28 U.S.C. § 1631.

**IT IS SO ORDERED.**

**DATED:** March 22, 2010

/s/ DavidRHerndon  
**DISTRICT JUDGE**